

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Change in Class of General Applicability
For Competitive Product

Docket No. CP2021-81

PUBLIC REPRESENTATIVE COMMENTS

(April 8, 2021)

On March 26, 2021, the Postal Service filed a notice of classification changes for a competitive product pursuant to 39 C.F.R. § 3035.104.¹ The planned changes eliminate the 10:30am delivery option for the Priority Mail Express product and the associated fee for that option. Notice at 1. In accordance with Order No. 5853, the Public Representative submits the following comments.²

In its Notice, the Postal Service explains that the planned changes to eliminate the 10:30am delivery option are part of a broader decision to reposition Priority Mail Express to an end-of-day guarantee. Notice at 1. In particular, the base service will now provide 6:00pm delivery commitments for all origin-destination ZIP Code pairs, and all current 12:00pm, 3:00pm, and 5:00 pm delivery commitments will be moved to 6:00pm. *Id.* at 1-2. The changes are scheduled to take effect on May 23, 2021. *Id.* at 1.

The Postal Service's Notice includes Governors' Decision No. 21-1, which sets forth the changes and includes a statement of explanation and justification, the effective date, and certification of the vote.³ The statement of explanation and justification provides that the

¹ USPS Notice of Changes in Class of General Applicability for a Competitive Product, March 26, 2021 (Notice).

² See Notice and Order Concerning Changes in Class of General Applicability for Competitive Products, March 29, 2021 (Order No. 5853).

³ Notice, Decision of the Governors of the United States Postal Service on Changes in Class of General Applicability for Competitive Product (Governors' Decision 21-1). The Public Representative notes that Governors' Decision 21-1 states that the changes shall be effective on April 18, 2021, or as deemed advisable by management thereafter. *Id.* at 2.

changes “are intended to better align the product with operational capabilities, reduce the need for extraordinary operational efforts and deviations, and maintain a competitive end-of-day offering in the shipping services market.” Governors’ Decision 21-1 at 1. In approving the classification changes, the Board of Governors found that the changes are appropriate and consistent with regulatory criteria as indicated by management. *Id.* at 1-2.

Attached to the Governors’ Decision is a copy of the applicable sections of the Mail Classification Schedule, with the planned changes shown in legislative format. For the convenience of the Commission and interested parties, the Postal Service also includes a *Federal Register* notice amending the Domestic Mail Manual to reflect these changes. In addition, the Postal Service states that Governors’ Decision 21-1 and the record of proceedings will be published in the *Federal Register* in accordance with 39 U.S.C. § 3632(b)(2). Notice at 2.

The Public Representative recognizes the wide latitude that the Postal Service has to make classification changes, especially regarding competitive products. Having reviewed the Notice, Governors’ Decision 21-1, and the supporting attachments, the Public Representative concludes that the planned changes are consistent with applicable statutory and regulatory provisions.

Respectfully submitted,

Stephanie A. Quick
Public Representative

901 New York Avenue NW, Suite 200
Washington, DC 20268
(202) 789-6828
stephanie.quick@prc.gov